vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5729 OF 2005

Shri Shahaji Hindurao Patel ... Petitioner

V/s.

The Mah. State Road Transport
Corporation, Sangli Division, Sangli ... Respondent

Mr.Machindra Deshmukh for Petitioner

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 8, 2007**

P.C.:

. The petition challenges the order of the Labour Court in complaint (ULP) No.108 of 1998 and of the Industrial Court in Revision Application (ULP) No.29 of 2000. Both the Courts below have held that the enquiry instituted against the petitioner was fair and proper. The Courts have concluded that the findings of the Enquiry Officer are not perverse. Apart from this, the petitioner has not stepped into the witness box at all to substantiate his claim that he was unable to issue tickets because the distance between the two bus stops was short.

2. The Courts below have also considered the fact that the past service record of the petitioner is dismal. In para 18, the Industrial Court has observed thus:

> "18. So far, as, the punishment is concerned. It has come on record that the past service record of the Complainant is absolutely bad. The Complainant was punished on 43 occasions out of which on 16 occasions, he was punished for pilferage. The Second Appellate Authority rightly observed that the Complainant is pilferage prone conductor. Moreover, the Complainant was earlier dismissed in the year 1985 on account of consumption of intoxicants but was reinstated by virtue of order of the Labour Court and this is the second dismissal of the Complainant and on this occasion also the charge of consuming intoxicants while on duty is adequately proved. ....."

3. I find no reason to interfere with the impugned orders. Petition rejected.